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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,753

05/04/2005

Nathalie Dorothee Pietermel Leurs

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11/26/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

LEWIS, ALICIA M

ART UNIT

PAPER NUMBER

2164

MAIL DATE

DELIVERY MODE

11/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/533,753

Applicant(s)

LEURS, NATHALIE DOROTHEE
PIETERNEL

Examiner

Alicia M. Lewis

Art Unit

2164

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED **12 November 2008** FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: _____
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

/Charles Rones/
Supervisory Patent Examiner, Art Unit 2164

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that Crabtree does not teach determining a temporary user preference profile in response to the content item interest not corresponding to the user preference profile. Examiner disagrees. Crabtree teaches that a new interest (i.e. an interest NOT in the user preference profile), is suggested to a user. Since the interest is new, it is clear that the content item interest does not correspond to the user preference profile. If the suggested content item interest was a part of the user's preference profile, it would not be suggested as a new interest.

Applicant further argues that because Crabtree teaches the interest is passed as a results of collaborative filtering between users, the temporary preference profile is not response to a content item interest not corresponding to the user preference profile. Again, the Examiner disagrees. Because Crabtree teaches collaborative filtering between users, the suggested interest is based on the preference of multiple users and not just the user. Therefore, the suggested interest does correspond to a new interest for the user, as it is NOT a part of his user preference profile. The collaborative filtering is simply used to aid in the interest to suggest, and does not suggest that the interest suggested already corresponds to the user preference profile (Crabtree, paragraph 77).

Applicant also argues that Crabtree does not teach determining a temporary preference profile but instead teaches modifying an existing one. Again, Examiner disagrees. Crabtree teaches that a user may add the interest to his/her profile for a week (paragraph 80) and that after the week is up, the user may decide not to keep that changes, in which case his/her profile reverts back to the original settings (paragraph 85). Thus it is clear that Crabtree teaches that a temporary user preference profile is determined (i.e. for a week).

Lastly, Applicant argues that Crabtree fails to teach determining user preference values. Crabtree has not been used to teach this limitation. Specter teaches generating recommendations for consumer preference items, in which he teaches that ratings for each item are received from a user (paragraph 39). Thus Crabtree in view of Specter teaches determining user preference values.